IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6716 of 1994

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAKSHA M MISTRY

Versus

STATE OF GUJARAT & ORS

Appearance:

1. Special Civil Application No. 6716 of 1994

MR DP VORA for Petitioner No. 1

Mr. Kunjal Pandya, AGP for Respondent No. 1-3

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 27/10/2004

ORAL JUDGEMENT

1. In this petition under Article 226 of the Constitution of India, the petitioner has challenged the action of the respondent-Authority, whereby, Rs.1100/were

deducted from the salary of the petitioner without affording any opportunity of hearing. At the same time, the petitioner seeks a direction from this Court that, in view of her service as a Lecturer in Hindi in the college run by the respondent No.3, she is entitled to salary for the period from 1st May 1992 to 24th June 1992, the actual period for which she had rendered her duties on the said post.

2. It is the case of the petitioner that she was appointed as Lecturer in Hindi in the college run by the respondent No.3, and, as per the terms and conditions of the appointment order dated 10th January 1992, she was to continue in service subject to availability of regularly selected candidates through Public Service Commission or the end of the academic session, whichever was earlier. However, the petitioner had continued to serve as Lecturer with the respondent No.3, beyond the period of vacation, and, even after reopening of the college, she had continued to serve upto 24th June 1992. The petitioner has, therefore, requested the Authority to pay her salary for the period from 1st May 1992 to 24th June 1992.

3. The petitioner made a detailed representation to the Commissioner of Higher Education, State of Gujarat, Gandhinagar, on 8th October 1993, whereby, she ventilated her grievance about non-payment of salary for the period which she had served with the respondent No.3.

4. Despite the fact that this Court issued Rule by order dated 16th September 1994, making it returnable within eight weeks, till today, no affidavit in reply is filed by any of the respondents.

5. Under the circumstances, the ends of justice would be met by directing the respondents to decide the representation dated 8th October 1993 submitted by the petitioner in accordance with law, within the period of eight weeks from the date of receipt of the order of this Court, with the observation that, if the petitioner is entitled for the salary for the period from 1st May 1992 to 24th June 1992, she may be paid salary due to her and, the another grievance of deduction of Rs.1100/- from the salary of the petitioner, which was made without affording any opportunity to the petitioner, may also be dealt with, while passing the order on her representation by the Authority.

6. In view of the aforesaid observation and direction, Rule is discharged with no order as to costs.

(Anant S. Dave, J.)
(swamy)